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MAY 14 1996
Opinion Committee

FILE #	ML-38815-46
I.D. #	38815

Senate of Texas
Committee of the Whole on
Legislative and Congressional Redistricting

GONZALO BARRIENTOS
Chairman

JOHN LEEDOM
Vice-Chairman

May 7, 1996

RQ-896

The Honorable Dan Morales
Attorney General of Texas
Price Daniel Sr. Bldg..
Austin, Texas 78701

Dear General Morales:

At the request of Senator Mario Gallegos I am seeking an Attorney General's Opinion dealing with the Tax Increment Financing Act, Chapter 311 of the Tax Code.

Does the use of the word "may" in Section 311.008 (a) give a city the discretion to delay implementing a plan which it has approved through an agreement with a third party, or is the city obligated to use its powers by virtue of the agreement itself?

Does Section 311.08(a)(2) give a city the authority to condemn all property in the TIRZ as a group, or must individual condemnation proceedings be conducted for each individual parcel?

I appreciate your assistance in issuing an Opinion on these two questions.

Sincerely,



Gonzalo Barrientos

State Senator

GB/rh

